

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 SECURITIES AND EXCHANGE) Civil No. 10cv2514 L(WMC)
12 COMMISSION,)
13 Plaintiffs,) **FINAL JUDGMENT AS TO**
14 v.) **DEFENDANT BRETT A. COHEN**
15 BRETT A. COHEN; DAVID V. MYERS;)
16 AARON J. SCALIA; and STEPHEN J.)
17 SCALIA,)
Defendants.)

)

18 The Securities and Exchange Commission having filed a First Amended Complaint and
19 Defendant Brett A. Cohen ("Cohen") having entered a general appearance; consented to the
20 Court's jurisdiction over Cohen and the subject matter of this action; consented to entry of this
21 Judgment without admitting or denying the allegations of the First Amended Complaint (except
22 as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to
23 appeal from this Judgment:

24 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Cohen and Cohen's
25 agents, servants, employees, attorneys, and all persons in active concert or participation with
26 them who receive actual notice of this Judgment by personal service or otherwise are
27 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
28 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5

1 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
2 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
3 connection with the purchase or sale of any security:

4 (a) to employ any device, scheme, or artifice to defraud;
5 (b) to make any untrue statement of a material fact or to omit to state a material fact
6 necessary in order to make the statements made, in the light of the circumstances under which
7 they were made, not misleading; or
8 (c) to engage in any act, practice, or course of business which operates or would
9 operate as a fraud or deceit upon any person.

10 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
11 disgorgement, prejudgment interest, and a civil penalty pursuant to Section 21(d)(3) of the
12 Exchange Act [15 U.S.C. § 78u(d)(3)], are appropriate in this case. However, as a result of the
13 criminal sanctions ordered against Cohen in *United States v. Cohen*, 10-cr-4832 (BTM) (S.D.
14 Cal.), the Commission is not seeking monetary remedies against Cohen in this proceeding.

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent is
16 incorporated herein with the same force and effect as if fully set forth herein, and that Cohen
17 shall comply with all of the undertakings and agreements set forth therein.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Court shall
19 retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

20 **IT IS SO ORDERED.**

21 DATED: April 26, 2012

22 
23 M. James Lorenz
24 United States District Court Judge

25 COPY TO:

26 HON. WILLIAM McCURINE, JR.
27 UNITED STATES MAGISTRATE JUDGE

28 ALL PARTIES/COUNSEL